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KUDIRKA & JOBSE, LLP			DUONG, OANH L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	09/695,193	PULITO ET AL.	•
Office Action Summary	Examiner	Art Unit	
	Oanh L. Duong	2155	
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address	
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period of - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing - earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be tin y within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a, cause the application to become ABANDONE	nely filed  s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).	
Status			
<ol> <li>Responsive to communication(s) filed on <u>08 M</u></li> <li>This action is <b>FINAL</b>.</li> <li>Since this application is in condition for alloward closed in accordance with the practice under <u>B</u></li> </ol>	s action is non-final. nce except for formal matters, pro		
	zn pano gaayio, roos sistin, in	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
A) Claim(s) 1-12 and 14-19 is/are pending in the  4a) Of the above claim(s) is/are withdray  5) Claim(s) is/are allowed.  6) Claim(s) 1-12 and 14-19 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or  Application Papers  9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) accomplication and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examine 11.	wn from consideration.  or election requirement.  er.  epted or b) objected to by the drawing(s) be held in abeyance. Settion is required if the drawing(s) is objected.	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	ts have been received. ts have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage	
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:		

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Claim 13 has been cancelled.

Claims 1-12 and 14-19 are presented for examination.

## Response to Arguments

1. Applicant's arguments filed 03/08/2004 have been fully considered but they are not persuasive.

In the remarks, applicants argued in substance that

(A) Prior Art does not teach or suggest "retransmitting the modified packets of the active stream of audio packets to others of the plurality of client processes.

As to point (A), Kozdon does teach retransmitting modified packets active stream (i.e., transforming on the compressed audio channels to produce a compressed summation stream, col. 7 lines 19-21) of audio packets to others of the plurality of client processes (i.e., summation stream and the dominant channel ....to be simultaneously communicated over the network 106 to the clients 103-105, col. 5 lines 46-51).

(B) There has been no suggestion or motivation to modify the reference or to combine reference teachings.

As to point (B), Kozdon reference is used by examiner, to show that a server can modify the received audio packet(s)/stream and transfer/retransmit the modified

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packet(s)/stream to other clients (**Kozdon**, col. 7 lines 19-21 and col. 5 lines 46-51), to be combined with the teaching of **Robles** to modify a sequence number field of audio/video data packet(s) to allow a large range of sequence numbers to be applied to eliminate possibility of identical active sequence numbers, and thereby allowing data to be efficiently and accurately transmitted across high bandwidth communication link (**Robles**, col. 2 lines 25-27)

Examiner believes that the motivation was given above to combine Kozdon and Robles is sufficient. In addition, examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kozdon teaches a server receives, modifies and transmits audio packet(s) (col. 5 lines 46-51 and col. 7 lines 13-42). Robles teaches a switch/server modify a sequence number field of an audio/video packet (col. 18 lines 28-35). Robles teaches the use of modified sequence number would permit a large range of sequence numbers to be applied to eliminate possibility of identical active sequence numbers, and thereby allowing data to be efficiently and accurately transmitted across high bandwidth communication link (col. 2 lines 25-27). For this reason it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized

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new/modified sequence number of **Robles** in the process of modifying audio packets in **Kozdon**.

(C) Prior art does not teach, disclose, or suggest the simultaneous transmission of two unmixed audio streams to participating client processes to the conference.

As to point (**C**), examiner has given the broadest reasonable interpretation of transmission of two audio streams in unmixed form (read as two separate data streams) in view of the specification of the invention (see page 36 lines 27-28). Thus, Kozdon does teach the simultaneous transmission of two audio streams in unmixed form (i.e., audio...is simultaneously presented on separate channels, col. 3 lines 31-38).

As a result, cited prior art does disclose a system and method for enable conferencing over a computer network, as broadly claimed by the Applicants.

Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

## Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 recites the limitation "the selected client processes" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 1, 4, 5, 7, 8, 10 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The features "selected of client processes", and "with selected of a plurality of the client processes" are unclear which selects (client process, server process, etc.,) and which/what is selected (client process, server process, etc.,).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 1, 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon et al (Kozdon) (US 6,240,070 B1) in view of Robles et al (Robles) (US 6,359,882 B1).

Regarding claim 1. Kozdon teaches in a server process executing at a node on a computer network and operatively couple over the computer network to one or more client processes, selected to the client processes capable of transmitting an active stream of audio packets to the server process, selected of the client processes capable of receiving data from a single source (e.g., see fig. 2), a method for enabling audio conferencing (e.g., see abstract) comprising establishing a point-to-point communication connection with selected of a plurality of the client processes (e.g., see fig. 2 col. 3 lines 1-18); identifying at least a first of the selected client processes which is transmitting an active stream of audio packets (e.g., see abstract and col.6 lines 53-65); retransmitting the modified packets of the active stream of audio packets to others of the plurality of clients processes (e.g., see col. 3 lines 1-37). Kozdon does not explicitly teach modifying one of the timestamp, source identifier and sequence number of the packet headers in the active stream of audio packets. However, Robles teaches modifying one of the time stamp, source identifier and sequence number of the packets headers in the active stream of audio packets (e.g., see col. 15 lines 36-40 and col. 19 lines 3-4).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify one of the header fields in Kozdon as taught by Robles because such modification would enable the system to assign new sequence number to the active stream of data packets. This would efficiently and accurately transmit data across high bandwidth communication links (Robles, col. 2 lines 25-27).

Regarding claim 4, Kozdon teaches a computer program product for user with a server apparatus operatively coupled to one or more client processes over a computer network, selected of the client processes capable of transmitting a stream of audio packets to the server apparatus (e.g., see fig. 2), the computer program product comprising a computer useable medium having embodied therein program code comprising a program code for establishing a point-to-point communication connection with a plurality of the client processes (e.g., see fig. 2 col. 3 lines 1-18); program code for identifying at least a first of the selected client processes which is transmitting an active stream of audio packets (e.g., see abstract and col.6 lines 53-65); and program code for retransmitting the modified packets of the active stream of active packets to others of the plurality of client processes (e.g., see col. 3 lines 1-37). Kozdon does not explicitly teach program code for modifying one of the timestamp, source identifier and sequence number of the packet headers in the active stream of audio packets. However, Robles teaches program code for modifying one of the time stamp, source identifier and sequence number of the packets headers in the active stream of audio packets (e.g., see col. 15 lines 36-40 and col. 19 lines 3-4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made

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to include program code for modifying one of the header fields in Kozdon as taught by Robles because such modification would enable the system to assign new sequence number to the active stream of data packets. This would efficiently and accurately transmit data across high bandwidth communication links (Robles, col. 2 lines 25-27).

Regarding claim 10, Kozdon teaches an apparatus for use with a computer system operatively coupled over a computer network to one or more client processes. each client processes capable of selectively transmitting a stream of audio packets to computer system (e.g., see fig. 2), the apparatus comprising program logic configured to establish a point-to-point communication connection between the computer system and selected of a plurality (e.g., see fig. 2 col. 3 lines 1-18); identifying at least a first of the selected client processes which is transmitting an active stream of audio packets (e.g., see abstract and col.6 lines 53-65); retransmitting the modified packets of the active stream of audio packets to others of the plurality of clients processes (e.g., see col. 3 lines 1-37). Kozdon does not explicitly teach modifying one of the timestamp, source identifier and sequence number of the packet headers in the active stream of audio packets. However, Robles teaches modifying one of the time stamp, source identifier and sequence number of the packets headers in the active stream of audio packets (e.g., see col. 15 lines36-40 and col. 19 lines 3-4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify one of the header fields in Kozdon as taught by Robles because such modification would enable the system to assign new sequence number to the active

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stream of data packets. This would efficiently and accurately transmit data across high bandwidth communication links (Robles, col. 2 lines 25-27).

4. Claims 2, 3, 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon et al (Kozdon) (US 6,240,070 B1) in view of Robles et al (Robles) (US 6,359,882 B1) in further view of Bruno et al (Bruno) (6,020,915).

Regarding claim 2, the combination of teachings of Kozdon and Robles does not explicitly teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets. However, Bruno teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets (e.g., see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the identifying step in the combination of teachings of Kozdon and Robles as taught by Bruno because such identifying step would enable the multimedia participants to visually identify the presently talking end-user. This would expand the functionality of an analog voice-only non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

Regarding claim 3, Kozdon teaches retransmitting the modified packets of the active stream of packets to others of the plurality of client processes (e.g., see col. 3 lines 1-37). Kozdon does not explicitly teach modifying one of the timestamp, source identifier and sequence number of the packet headers in the active stream of packets. However, Robles teaches modifying one of the time stamp, source identifier and sequence number of the packets headers in the active stream of packets (e.g., see col.

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15 lines36-40 and col. 19 lines 3-4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify one of the header fields in Kozdon as taught by Robles because such modification would enable the system to assign new sequence number to the active stream of data packets. This would efficiently and accurately transmit data across high bandwidth communication links (Robles, col. 2 lines 25-27).

Regarding claim 5, the combination of teachings of Kozdon and Robles does not explicitly teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets. However, Bruno teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets (e.g., see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the identifying step in the combination of teachings of Kozdon and Robles as taught by Bruno because such identifying step would enable the multimedia participants to visually identify the presently talking end-user. This would expand the functionality of an analog voice-only non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

Regarding claim 6, Kozdon teaches retransmitting the modified packets of the active stream of packets to others of the plurality of client processes (e.g., see col. 3 lines 1-37). Kozdon does not explicitly teach modifying one of the timestamp, source identifier and sequence number of the packet headers in the active stream of packets. However, Robles teaches modifying one of the time stamp, source identifier and sequence number of the packets headers in the active stream of packets (e.g., see col.

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15 lines36-40 and col. 19 lines 3-4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify one of the header fields in Kozdon as taught by Robles because such modification would enable the system to assign new sequence number to the active stream of data packets. This would efficiently and accurately transmit data across high bandwidth communication links (Robles, col. 2 lines 25-27).

Regarding claim 11, the combination of teachings of Kozdon and Robles does not explicitly teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets. However, Bruno teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets (e.g., see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the identifying step in the combination of teachings of Kozdon and Robles as taught by Bruno because such identifying step would enable the multimedia participants to visually identify the presently talking end-user. This would expand the functionality of an analog voice-only non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

Regarding claim 12, Kozdon teaches to retransmit the modified packets of the active stream of packets to others of the plurality of client processes (e.g., see col. 3 lines 1-37). Kozdon does not explicitly teach to modify one of the timestamp, source identifier and sequence number of the packet headers in the active stream of packets. However, Robles teaches to modify one of the time stamp, source identifier and sequence number of the packets headers in the active stream of packets (e.g., see col.

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15 lines36-40 and col. 19 lines 3-4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify one of the header fields in Kozdon as taught by Robles because such modification would enable the system to assign new sequence number to the active stream of data packets. This would efficiently and accurately transmit data across high bandwidth communication links (Robles, col. 2 lines 25-27).

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon et al (Kozdon) (US 6,240,070 B1) in view of Robles et al (Robles) (US 6,359,882 B1) in further view of Foster et al (Foster) (US 6,466,550).

Regarding claim 7, Kozdon teaches a computer data signal embodied in a carrier wave comprising a program code for establishing a point-to-point communication connection between a server process and a plurality of client processes (e.g., see fig. 2 col. 3 lines 1-18), selected of the client processes capable of transmitting a stream of audio packets to the server apparatus (e.g., see fig. 2), program code for identifying at least a first of the selected plurality of client processes which is transmitting a stream of active audio packets (e.g., see abstract and col.6 lines 53-65); and program code for retransmitting the modified packets of the active stream of active packets to others of the plurality of client processes (e.g., see col. 3 lines 1-37). Kozdon does not explicitly teach a packet header and modifying one of the header fields as claimed. However, Robles teaches program code for modifying one of the time stamp, source identifier and sequence number of the packet headers in the active stream of audio packets (e.g., see

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col. 15 lines36-40 and col. 19 lines 3-4). Foster teaches each packet having a packet header including a time stamp, source identifier and sequence number associated with the packet (e.g., see col. 6 lines 25-46). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Kozdon with the teachings of Robles and Foster because such modifying header field would enable a new sequence number to be assigned to the active stream of data packets. This would efficiently and accurately transmit data across high bandwidth communication links (Robles, col. 2 lines 25-27).

6. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon et al (Kozdon) (US 6,240,070 B1) in view of Robles et al (Robles) (US 6,359,882 B1) in view of Foster in further view of Bruno et al (Bruno) (6,020,915).

Regarding claim 8, the combination of teachings of Kozdon, Robles and Foster does not explicitly teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets. However, Bruno teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets (e.g., see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the identifying step in the combination of teachings of Kozdon, Robles and Foster as taught by Bruno because such identifying step would enable the multimedia participants to visually identify the presently talking end-user. This would expand the functionality of an analog voice-only non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

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Regarding claim 9, Kozdon teaches retransmitting the modified packets of the active stream of packets to others of the plurality of client processes (e.g., see col. 3 lines 1-37). Kozdon does not explicitly teach modifying one of the timestamp, source identifier and sequence number of the packet headers in the active stream of packets. However, Robles teaches modifying one of the time stamp, source identifier and sequence number of the packets headers in the active stream of packets (e.g., see col. 15 lines36-40 and col. 19 lines 3-4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify one of the header fields in Kozdon as taught by Robles because such modification would enable the system to assign new sequence number to the active stream of data packets. This would efficiently and accurately transmit data across high bandwidth communication links (Robles, col. 2 lines 25-27).

7. Claims 14-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon et al (Kozdon) (US 6,240,070 B1) in view of Oran (US 6,418,125 B1).

Regarding claim 14, Kozdon teaches a system for enable conferencing over a computer network (e.g., see fig. 2) comprising a plurality of client processes operatively coupled to the network and configure to establish a point-to-point communication connection with an other process operatively coupled to the computer network (e.g., see fig. 2 col. 3 lines 1-18), each of the plurality of client processes configured to receive at least one active stream of audio data (e.g., see col. 3 lines 19-20), selected of the

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plurality of client processes are configured to transmit an active stream of audio data (e.g., see col. 4 lines 1-5); and a server process operatively coupled to the computer network (e.g., see col. 3 lines 1-2) and configured to identify a first of the selected plurality of client processes which is transmitting an active audio stream (e.g., see abstract and col.6 lines 53-65) and to retransmit the active audio stream of the first identified client process to others of the plurality of client processes in unmixed form (e.g., see col. 3 lines 1-37 and col. 6 line 66-col. 7 line 11); and to simultaneously retransmit the active audio streams to others of the plurality of client processes in unmixed form (col. 3 lines 31-38 and e.g., see col. 5 lines 46-51).

Kozdon does not explicitly teach identifying a second client process.

Oran, in the same field of endeavor, teaches identify a second of the selected plurality of client processes which is transmitting an active audio stream (e.g., see 3 line 37-col. 4 line 5). Oran teaches the use of client process identifying would enable which speaker states and audio to retain and process to be intelligently selected, and thereby allowing audio packets from multiple speakers to be handled as well as audio quality to be improved (col. 2 lines 23-25). For this reason, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the client process identifying in the process of retransmitting the audio streams in Kozdon.

Regarding claim 15, Kozdon teaches receive the first and second active audio stream in unmixed form from the server process and to mix the first and second active audio stream into a form suitable for presentation (e.g., see col. 7 lines 3-10).

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Regarding claim 18, Kozdon teaches selected of the plurality of client processes are configured to transmit an active stream of video data (e.g., see col. 4 lines 1-5).

8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon et al (Kozdon) (US 6,240,070 B1) in view of Oran in further view Robles

Regarding claim 16, Kozdon does not explicitly teach a packet header and modifying one of the header fields as claimed.

Oran, in the same field of endeavor, teaches each packet having a packet header including a time stamp, source identifier and sequence number associated with the packet (col. 4 lines 14-31). Robles teaches modifying one of the time stamp, source identifier and sequence number of the packet headers in the active stream of audio packets (e.g., see col. 15 lines 36-40, col. 18 lines 28-35 and col. 19 lines 3-4). Robles teaches the use of modified sequence number would permit a large range of sequence numbers to be applied to eliminate possibility of identical active sequence numbers, and thereby allowing data to be efficiently and accurately transmitted across high bandwidth communication link (col. 2 lines 25-27). For this reason it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized new/modified sequence number of Robles in the process of modifying audio packets in Kozdon.

Regarding claim 17, Kozdon teaches retransmit the modified packets to the active stream of audio packets to others of the plurality of client processes (e.g., see col. 3 lines 1-18).

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9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kozdon in view of Oran in further view of Bruno et al (Bruno) (6,020,915).

Regarding claim 19, Kozdon-Oran does not explicitly teach identifying at least a first of the selected client processes which is transmitting an active stream of video packets. However, Bruno teaches identifying at least a first of the selected client processes which is transmitting an active stream of video packets (e.g., see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have utilized the identifying step of Bruno in the process of retransmitting stream data in Kozdon-Oran because such identifying step would enable the multimedia participants to visually identify the presently talking end-user, and thereby expanding the functionality of an analog voice-only non-H.320 compatible endpoint (Bruno, col. 2 lines 21-22).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D May 11, 2004

> HOSAIN ALAM SUPERVISORY PATENT EXAMINER